House File 2545 - Introduced

HOUSE FILE 2545

BY COMMITTEE ON STATE

GOVERNMENT

(SUCCESSOR TO HSB 647)

A BILL FOR

- 1 An Act relating to the medical privacy and freedom Act,
- 2 providing penalties, and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 27C.2, Code 2022, is amended by striking
- 2 the section and inserting in lieu thereof the following:
- 3 27C.2 Medical treatment status immunity passports 4 liability.
- a. Notwithstanding any provision of law to the contrary,
- 6 a business, educational institution, employer, or governmental
- 7 entity shall not do any of the following:
- 8 (1) (a) Inquire into the medical treatment status of,
- 9 maintain a record of the medical treatment status of, or
- 10 require the furnishing of an immunity passport by, a person.
- 11 (b) Maintain an existing record of the medical treatment
- 12 status of a person if the person requests that the record be
- 13 deleted.
- 14 (c) This subparagraph shall not interfere with a person's
- 15 right to access the person's own health information under any
- 16 applicable state or federal law or any legal responsibility of
- 17 a health care professional to comply with any applicable state
- 18 or federal law in administering health care to a person.
- 19 (2) Refuse, withhold from, or deny to a person any
- 20 services, goods, facilities, advantages, privileges, access,
- 21 transportation or freedom of movement, licensing, educational
- 22 opportunities, or health care access based on the person's
- 23 medical treatment status or the furnishing of an immunity
- 24 passport.
- 25 (3) Provide or disallow incentives such as coupons, free
- 26 goods or services, or lotteries and games of chance, or impose
- 27 a monetary fine or tax or other socioeconomic disincentive
- 28 based on the person's medical treatment status or the
- 29 furnishing of an immunity passport.
- 30 (4) Refuse to hire or employ, bar or discharge from
- 31 employment, impose a surcharge or wage reduction, or
- 32 discriminate against a person in compensation or in a term,
- 33 condition, or privilege of employment based on the person's
- 34 medical treatment status or the furnishing of an immunity
- 35 passport.

- 1 (5) Exclude, limit, segregate, refuse to serve, require a
- 2 mask or other facial covering, require testing, or otherwise
- 3 discriminate against a person based on the person's medical
- 4 treatment status or the furnishing of an immunity passport.
- b. Notwithstanding any provision of law to the contrary,
- 6 each appropriate state agency shall ensure that a business in
- 7 this state complies with this subsection and shall require
- 8 compliance with this subsection as a condition of obtaining a
- 9 license, permit, or other state authorization as necessary to
- 10 conduct business in this state.
- 11 2. Notwithstanding any provision of law to the contrary, a
- 12 business, educational institution, employer, or governmental
- 13 entity that violates subsection 1 is liable for any adverse
- 14 reaction, injury, disability, or death that is or may be
- 15 related to a person receiving forced medical treatment in
- 16 response to such violation. Relative to a person who is
- 17 an employee, it shall be presumed, in the absence of any
- 18 substantial evidence to the contrary, that such adverse
- 19 reaction, injury, disability, or death arose in the course of
- 20 such person's employment.
- 3. For the purposes of this section:
- 22 a. "Business" means a sole proprietorship, partnership,
- 23 joint venture, corporation, association, or other business
- 24 entity, either for-profit or not-for-profit, including retail
- 25 establishments where goods or services are sold.
- 26 b. "Educational institution" includes any preschool,
- 27 elementary or secondary school, community college, area
- 28 education agency, or postsecondary college or university and
- 29 their governing boards.
- 30 c. "Employer" means a person, as defined in chapter 4, who
- 31 in this state employs for wages a natural person.
- 32 d. "Governmental entity" means the state or any political
- 33 subdivision of the state that owns, leases, or operates
- 34 buildings under the control of the state or a political
- 35 subdivision of the state.

- 1 e. "Health care professional" means a person who is
- 2 licensed, certified, or otherwise authorized or permitted by
- 3 the law of this state to administer health care in the ordinary
- 4 course of business or in the practice of a profession.
- 5 f. "Immunity passport" means a document, digital record, or
- 6 software application indicating that a person has received a
- 7 vaccination or has gained natural immunity through infection
- 8 and recovery.
- 9 g. "Medical treatment" means a health care treatment,
- 10 service, or procedure designed to maintain or treat a person's
- 11 physical or mental condition, and includes preventive care,
- 12 medical devices, and vaccinations.
- 13 Sec. 2. CODE EDITOR DIRECTIVE. The Code editor shall amend
- 14 the title of chapter 27C, Code 2022, to read "MEDICAL PRIVACY
- 15 AND FREEDOM ACT".
- 16 Sec. 3. SEVERABILITY. The provisions of this Act are
- 17 severable pursuant to section 4.12.
- 18 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
- 19 importance, takes effect upon enactment.
- 20 EXPLANATION
- 21 The inclusion of this explanation does not constitute agreement with
- 22 the explanation's substance by the members of the general assembly.
- 23 This bill relates to the prohibited required disclosure
- 24 of, and discrimination based on, a person's medical treatment
- 25 status or the furnishing of an immunity passport.
- 26 The bill amends Code chapter 27C (proof of vaccination for
- 27 COVID-19). The bill strikes current provisions prohibiting the
- 28 required furnishing of proof of a vaccination for COVID-19 and
- 29 the prohibition against the awarding or renewal of grants or
- 30 contracts funded by state revenue to a business or governmental
- 31 entity that violates this provision.
- 32 The bill instead amends the Code chapter to include
- 33 prohibitions relating to a person's medical treatment status
- 34 including vaccination status or the furnishing of an immunity
- 35 passport. The bill provides that notwithstanding any provision

1 of law to the contrary, a business, educational institution, 2 employer, or governmental entity shall not: inquire into 3 the medical treatment status of, maintain a record including 4 an existing record of the medical treatment status of, or 5 require the furnishing of an immunity passport by, a person; 6 refuse, withhold from, or deny to a person any services, goods, 7 facilities, advantages, privileges, access, transportation or 8 freedom of movement, licensing, educational opportunities, 9 or health care access based on a person's medical treatment 10 status or the furnishing of an immunity passport; provide or 11 disallow incentives such as coupons, free goods or services, or 12 lotteries and games of chance, or impose a monetary fine or tax 13 or other socioeconomic disincentive based on a person's medical 14 treatment status or the furnishing of an immunity passport; 15 refuse to hire or employ, bar or discharge from employment, 16 impose a surcharge or wage reduction, or discriminate against a 17 person in compensation or in a term, condition, or privilege 18 of employment based on the person's medical treatment status 19 or the furnishing of an immunity passport; or exclude, limit, 20 segregate, refuse to serve, require a mask or other facial 21 covering, require testing, or otherwise discriminate against a 22 person based on the person's medical treatment status or the 23 furnishing of an immunity passport. 24 The bill requires each appropriate state agency to ensure 25 that a business in this state complies with the provisions of 26 the bill and requires compliance with the provisions of the 27 bill as a condition of obtaining a license, permit, or other 28 state authorization as necessary to conduct business in this 29 state. A business, educational institution, employer, or 30 31 governmental entity that violates the provisions of the bill is 32 liable for any adverse reaction, injury, disability, or death 33 that is or may be related to a person receiving forced medical 34 treatment in response to such violation. For purposes of a 35 person who is an employee, it shall be presumed, in the absence

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- 1 of any substantial evidence to the contrary, that such adverse
- 2 reaction, injury, disability, or death arose in the course of
- 3 the person's employment.
- 4 The bill includes a directive to the Code editor to amend the
- 5 title of Code chapter 27C to be titled the medical privacy and
- 6 freedom Act. Provisions of the bill are severable pursuant to
- 7 Code section 4.12. The bill takes effect upon enactment.